IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 20TH MARCH 2007 / 29TH PHALGUNA 1928

Crl.Rev.Pet.No. 1224 of 2007()

AGAINST THE ORDER DATED 09/03/2007 IN IA.42/07 IN MC.77/2006 of FAMILY COURT, NEDUMANGAD

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REVN. PETITIONER: PETITIONER/RESPONDENT

AJI KUMAR, S/O. SIVADASAN,
RESIDING AT BHANUMATHY BHAVAN,
NEAR ONNAMPALAM, NEDUNGANDA P.O.

BY ADV. SRI.M.BALAGOVINDAN
SRI.M.R.SASITH

RESPONDENTS: RESPONDENT/PETITIONER & STATE

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1. DIVYA, D/O. JALA,
RESIDING AT DIVYA, VETTOOR DESOM,
VETTOOR VILLAGE.

2. STATE OF KERALA, REPRESENTED BY
ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI. C.M. KAMMAPPU, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 20/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J

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CRL. R.P. NO. 1224 OF 2007

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Dated this the 20th day of March 2007

O R D E R

The revision petitioner, who is the respondent in M.C. No. 77/2006 in the file of Family Court, Nedumangadu, has sought for setting aside the order of the court below directing him to pay 50 per cent of the maintenance arrears till date towards the wife and child as a pre condition for allowing the application to set aside the exparte order. It is his contention that he is unable to raise that much amount and that the petitioner/wife is residing separately without any reason and that he has made a fixed deposit of 2 ½ lakhs in the name of himself and the wife.

2. In the circumstances, the order is modified to the effect that he shall remit the entire arrears due to the child only as on 14.02.2007, the date of the application. The amount shall be paid within two weeks from today onwards. The revision petitioner shall appear before Family Court, Nedumangadu on 03.04.2007.

The Crl.R.P is disposed of accordingly.

K.R. UDAYABHANU, JUDGE.

RV